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* Mr. P. C. VENKATAPATHI RAJU :—"I am not questioning the legality or otherwise of the continuance of the sitting of the Council, but I am simply pointing out certain inconveniences which my party will be put to in the matter."

VI

THE "JUSTICE" AND THE MADRAS LEGISLATIVE COUNCIL.

Mr. P. C. VENKATAPATHI RAJU :—"Now, Sir, before we commence the regular business of the day, I wish to draw your attention and also the attention of this hon. House to the leading article published in one of the daily journals of this place, viz., *Justice* of Thursday the 8th August 1929. I feel that is an attack bringing both this House and the hon. the President to contempt and I bring it to your notice for such action as you deem fit under the circumstances."

* The hon. the PRESIDENT :—"I am glad the hon. the Leader of the Opposition has drawn my attention to the article in question. What I propose to do is to call a conference of all Leaders of Parties and also the Advocate-General and consider what steps, if any, should be taken."

The debate on the adjournment motion will continue till 5 minutes after 5 p.m.

VII

ADJOURNMENT MOTION RE THE SUPERSESSION OF THE ANAKAPALLE MUNICIPALITY.

Mr. A. KALESWARA RAO :—"I beg to move that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, viz., the supersession of the Anakapalle Municipal Council for two years by the Government.

"Sir, I beg to state that I would not have undertaken this task but for the grave constitutional issues involved in the supersession of the municipality and in debarring the citizens of that municipality from exercising their rights of franchise for two years. The hon. the Chief Minister seems to believe in exhibiting the powers that he possesses under the Act and in inflicting the extreme punishment. If he were a judge, God forbid he should be one, he would have sentenced every accused in a sedition case for transportation for life. When a grave thing like this occurs, Members on this side of the House who believe that the rights of the people should not be treated so lightly try to put questions and get answers and explanations from the hon. the Chief Minister with regard to the circumstances under which he took this extreme step. When asked whether severe strictures were passed by the Collector or the Government on the administration reports of this municipality for the years 1927-28 and 1928-29, the hon. the Minister wanted notice. When asked to show the report of the Collector upon which this action was based he said that it was confidential. When asked whether the Collector himself made preliminary enquiry or whether he deputed one of his subordinates to make the enquiry, he said that it was his impression that the Collector made the enquiry, but he could not be definite. Sir, this is the third instance in which the supersession of local bodies has taken place in the Telugu country during the last two years. Kistna District Board was superseded for one year. There was a deadlock, which was due to the nomination of 18 members, for which the hon. the Minister himself

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was responsible and in consequence of that deadlock he superseded that district board. In Ellore there was a deadlock and he superseded it for one year. He seems to believe in the second portion of section 41 of the District Municipalities Act and he does not care for the first portion which relates to dissolution and reconstitution. Here we have the third instance. It was elicited from his answers that no previous warnings were given to the Council. The only warning that was given was the statutory notice to show cause why the Council should not be superseded and the Council naturally gave bona fide answers that they would try to improve matters and try to conduct the municipal administration efficiently. Mr. Alexander Wright is an Anglo-Indian gentleman with business experience. Though he had no communal strength, he was elected to the Municipal Council for two successive terms. He was nominated by the Government themselves and therefore he must have possessed some amiable and social qualities which have made him somewhat popular with the Municipal Council and enabled him to become the Chairman. There is no case that he was not getting on well with the Municipal Council. He had a majority, and no action was taken against him under section 40 of the District Municipalities Act. There is no question of his infringing any resolution of the Council. So, here there is action taken by the Government against the Council including the Chairman. The Government's action, according to the answers given by the hon. the Chief Minister the other day, is based on two things—(1) Mr. Bracken's report and (2) the representation of some people to the Minister when he went to Waltair. Collector Mr. Bracken is not famous for his sympathies with Indian aspiration with regard to self-government. He is an autocratic bureaucrat. His trampling under his feet the Swaraj flag, his bringing military to Godavari district to terrorize the people and his sending hundreds of people, including that old lady Subbamma Garu, to jail, are well known. He seems to believe only in the competence of officials, and in the incompetence of non-officials, including my hon. Friend the Chief Minister. That is the sort of man who has made the report. Another report is that which was made by some people to the Minister. Who they are the hon. Minister does not know. To which party they belong he does not know. He seems to believe they are colourless people because they came to him. One thing must be said now, and that is this: that the hon. Minister has gone all the way from Madras to Waltair spending much public money. That was probably his triumphal entry to Vizagapatam after he gave the headquarters of the Andhra University to that town. He seems to have been too much engrossed in tea parties and other social functions to have gone to Anakapalle, to have visited the municipality, to have called all the municipal councillors, to have seen personally whether all the roads were in bad condition, whether the sanitation was bad and whether the drainage system was better there than in Madras, and whether there were not less mosquitoes there than in Madras. He did not do anything like this. I submit with all due respect to my hon. Friend that here is a dereliction of duty. Before the hon. Minister took such a serious action, before he infringed the birth-right of the people and before he superseded the municipality for a period of two years, he ought to have availed himself of the opportunity and paid a visit to the municipality and had a heart-to-heart talk with all the electors, with the chairman, with the councillors, with the majority party, with the minority party and so on.

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"With regard to the representations of the people, I want to say one thing. In almost every council there is a desperate minority party. They would prefer supersession for the longest period because the minority party wants that the majority party should go and never return. It is but natural therefore that some people, whom the hon. Minister does not know, and cannot be expected to know, should come to him and tell him that the chairman and the majority party should go away bag and baggage so that an official may be appointed or they themselves may come to power some day. If the chairman belongs to the majority party and is able to have a majority, then it is said there is a clique; if he is not able to command a majority, then it is said he is incompetent. This is the philosophy of removing chairmen and dissolving councils. Anakapalle is a small municipality with a small population. We have yet to know from the hon. Minister if there are any specific charges against the municipality. We have only a notification, a bare notification that Anakapalle Municipality has been superseded. That is the extent to which we have been taken into confidence by the hon. the Chief Minister. I must submit that the burden of proof that supersession is wrong does not lie upon me. It is for him to justify his action and to show that supersession was perfectly justified, that all the preliminaries necessary to supersession were taken, and that there was no other course but to supersede. So far as we are concerned, we have been informed by way of answers to supplementary questions that there was maladministration. Maladministration is a hazy and vague thing. He said in his answer that roads were bad. I should be surprised if the roads of a small municipality, a poor municipality like Anakapalle, were good. Most of the municipalities in this province have very bad roads, including Bezwada—our municipality. But we are trying to improve them because we are much more prosperous than Anakapalle. Anakapalle is a small place. At the same time, it is a commercially active place and the traffic is very heavy. Therefore its roads will be bad. It is the duty of the Government to come to the rescue of the municipalities, to help them and not to condemn them because the roads are bad.

"The second charge against the municipality is that sanitation is bad. In this respect also the condition of almost all the municipalities I have seen are bad. It is said that there is no drainage scheme and no water-supply scheme. If all municipalities are to have these schemes it will cost lakhs of rupees. In the matter of child mortality, according to the administration reports, the two capitals of the Government are the worst—Madras and Ootacamund. If there are any two municipalities that ought at once to be superseded because they are insanitary or because child mortality is very high, they are the two capitals of the Government—Madras and Ootacamund. With regard to mosquito nuisance, Madras is proverbial. I do not see how a poor municipality like Anakapalle can be charged with insanitation. The third charge is unsound finance. If there is any embezzlement or misappropriation, there is the Examiner of Local Fund Accounts to surcharge. I do not know if the hon. Minister has to disclose some more charges against the municipality. The charges so far disclosed are trifling. Of all the defaulters in the matter of arrears of collections, Madura Municipality stands first. With regard to factions, everywhere there are factions. Sometimes these factions are vociferous; sometimes it is too insignificant to talk of. On these grounds no municipality should be condemned. If somebody else

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were to see the administration of this Presidency and if the existence of factions were a thing to be condemned I do not think we would be better off than these municipalities. None of these grounds are tenable.

“With regard to financial matters, the Examiner of Local Fund Accounts seems to make a distinction between officials and non-officials. Non-officials who cannot devote all their time and who have other avocations are being treated with greater rigour instead of with greater leniency than official chairmen and presidents of local bodies. As a matter of fact no official chairman or president of a local body has been surcharged. That is the rule. With regard to local funds branch . . .”

The hon. the PRESIDENT :—“The hon. Member has exceeded the prescribed time-limit. I extend the time by five minutes.”

Mr. A. KALESWARA RAO :—“I would submit two more points and resume my seat.”

Mr. P. C. VENKATAPATHI RAJU :—“It is usual, Sir, to allow half an hour to the Mover of a motion. Of course, according to the Standing Order, discretion is vested in you. I request you to allow the hon. Member half an hour.”

The hon. the PRESIDENT :—“The hon. Member has agreed to finish his speech within five minutes.”

Mr. A. KALESWARA RAO :—“I would like to take more time. I leave the matter to your discretion.”

The hon. the PRESIDENT :—“The hon. Member would have to make his speech very interesting if he wants more time.” (Laughter.)

Mr. A. KALESWARA RAO :—“I wish to draw the attention of the Council to one important fact. Mr. Wright may be an inefficient administrator; the councillors may not be highly enlightened; I do not know Mr. Wright; we have no political connexion whatever. I have never seen him. But what I beg to submit to this House is that even the humblest of the municipal servants has a right before he is punished, to a certain procedure being followed, viz., that the charges against him should be placed before him, that he should be given the right of cross-examination, that he should be allowed to adduce his own evidence and then he should be judged. I am surprised to see that the first citizen of a municipality should be punished without the proper and usual procedure being followed, and that he should be removed altogether by a confidential report from the District Collector or some subordinate official of the Government. This state of things is really intolerable. Irrespective of parties, I think that no non-official with any self-respect can serve on these local bodies so long as this Damocles' sword hangs over him. Any day a Collector like Mr. Bracken may not like the chairman or president of a taluk board; he may write a confidential report against him and some party may come forward and say that the president is a very bad man; if the chairman or the president is to be removed like this, then self-government is really doomed. I have to protest against the recent action of the Government in the case of the non-official chairman of the Anakapalle municipality. If the charge of corruption is proved, then he may be prosecuted; if there is irregularity in the management of money matters he may be surcharged. But in the case of general bad administration he should be given one opportunity and again another. It is the duty

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of the hon. Minister who is the head of local self-government in this province to go to such places and to advise the people or he should send his secretary to the place for the purpose. He should not depend upon the Collectors whose angle of vision is altogether different; they are the representatives of the Reserved half of the Government. Here we are in swaraj, that portion of swaraj that is given to the people of India. The angle of vision of the municipalities and the hon. Minister is the same but not that of the Collectors who are autocrats of the districts and who feel that they are autocrats.

"One word more and I shall finish. With regard to section 41 of the District Municipalities Act there are two provisions, re-constitution and supersession. Why not try re-constitution? Why should not the hon. Minister ask the Tahsildar who is paid, to prepare the electoral rolls—it will be ready by this time in the usual course of things—and to hold elections in August or September according to the Act? I am told that the Tahsildar who is appointed is paid salary. Nobody can vouchsafe that the Tahsildar will be very honest and efficient. From our experience of Ellore we know that there were more complaints during the regime of the paid chairman Tahsildar than during the regime of Mr. Venkataramayya during whose regime unfortunately there was deadlock. Why should the hon. Minister take the course of supersession and appoint a special officer and why should the municipality be superseded for a period of two years, the extreme period stipulated in the Act? I therefore protest against the procedure, against the unconstitutional and illegal action of the Government as well as against the severity of the sentence pronounced upon the citizens of the Anakapalle municipality. I hope the Council will take a very dispassionate view of the matter and not any party point of view. This is a question of local self-government and I request hon. Members to give a verdict consistent with the proper growth of local self-government in this Presidency."

Mr. P. ANJANEYULU:—"Mr. President, Sir, I second this motion and in so doing I beg to state the facts as they reach me for such thorough enquiry and investigation as the hon. Minister may think fit. According to my information, Sir, though the hon. Minister was saying the other day in answer to supplementary questions on the floor of this House, that it was the Collector who conducted the enquiry, the Collector simply passed on the papers, for enquiry and report, to the Revenue Divisional Officer. The Revenue Divisional Officer in his turn passed them on to the very Tahsildar who has now been appointed as the chairman of the municipality. He was then Tahsildar and was about to retire; I leave it there. The Tahsildar, it was, according to my information, who conducted the enquiry and made strictures against the chairman. I must also admit that the state of affairs was somewhat rotten in that municipality for the previous two years. But that chairman was not there; that council was not there. Another chairman and a new council was functioning for six months before it was superseded. During these months, I am told, Sir, that the administration was improving, and that uncollected taxes were being collected. There was no special complaint against this particular chairman. But just as the vernacular proverb goes they gave medicine after the burial ceremonies were over. Previous administration had gone; investigation began when a new chairman came and when a new council was functioning. Everything was improving. I do not know if my facts are correct. They have to be verified; I think I am

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correct. After the Tahsildar's report was sent, it was submitted to the Revenue Divisional Officer. My information again is that the Revenue Divisional Officer did not agree with the report submitted by the Tahsildar. He offered his own remarks, widely different from those of the Tahsildar but, all the same, not in favour of the then administration and the then municipal chairman. He however suggests that another opportunity might be given. Then the whole record goes to the Tahsildar—in most cases, the Collectors simply forward the papers to the Tahsildar—who makes the enquiry and he submits his own report. It is very likely in this case Mr. Bracken did not go there and conduct the enquiry. I should however like to be corrected, if I am wrong. Mr. Bracken might be a very good officer, but I do not know what sort of man Mr. Bracken is. I do not want to pass any remarks on the administration of a gentleman about whom I know absolutely nothing, but if my facts are incorrect, it is up to the Government to correct me. I do admit that there are certain municipalities and certain district boards which ought to be suppressed. Things may be very rotten there, but yet they are allowed to go on. They might have come to the notice of the hon. the Minister and he must know the reasons for allowing them to continue. Sir, I am a plain and blunt man and I state facts plainly and bluntly. It looks to me that if the chairmen concerned are his party men, whether they commit sin or no sin, they are all treated as good boys. They may be good boys, and may be treated as in a criminal court where a man is not said to be guilty until the contrary is proved. Here, however the case is the reverse; the chairman, if he is not his party man, he is considered to be a bad man until the contrary is proved. Not even an opportunity is given to that chairman to prove his innocence or to put his case before the Government and the hon. Minister makes up his mind at once. Sir, it is the principle involved that I am questioning. I know some municipalities are grossly bad, and I dare say my hon. Friend the Chief Minister knows that, but he winks at them. What is the reason? What is the policy behind this? Is he responsible to anybody? Is he responsible even to those who put him there? I will tell him this, Sir: when he leaves that seat and comes over here once again, if at all he is elected, I am perfectly sure he won't be there much longer. Therefore he is indefinite about his own place, he is indefinite in his answers and he is indefinite in his policy. We, of course, expected much better things from him—of course I have great personal respect for my friend; but so far as his administration is concerned, I know that his policy in superseding some municipalities, in cancelling the holding of certain elections and in allowing certain others to be held, is very objectionable. He has not exercised his responsibility in these matters in the manner in which a responsible Minister ought to exercise and done justice between man and man, irrespective of party. No one in the House or outside who is interested in the good administration of local self-governing bodies will say for a minute that they should not be checked now and again. In this matter, two points should be taken into consideration. All these men who are chairmen are doing honorary service. They must be given a different treatment from that given to those who are paid. Here, Sir, the Tahsildar writes his own judgment, makes up his own decree and takes the benefit also himself. I would therefore make this suggestion: there must have been something behind the mind of the Tahsildar when he sent his report, something intensely personal, something intensely selfish. If that report is

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not supported by even his immediate superior officer, the Revenue Divisional Officer, it is up to my friend the Minister to have paused and considered before he passed this extreme sentence of supersession, because he could not do anything worse under the provisions of the District Municipalities Act. I also suggest that the case may be examined again. It is never too late to mend; but I do not know whether my hon. Friend will make up his mind to undo his own orders. That really requires more of courage and more of sportsmanlike nature than to stick to the orders already passed purely because they have been once passed. With these words, Sir, I have the honour to second the motion."

* Mr. F. E. JAMES :—"Mr. President, Sir, it is always a pleasure to hear my friend the Mover of this motion. He is one of the few in this House who, although he says bitter things, and sometimes foolish things, always says them in a charming manner. I think on this occasion he has introduced this motion. . . ."

Mr. R. NAGAN GOWDA :—"On a point of order, Mr. President. Can any Member of this House say that the speech of another Member is foolish?"

The hon. the PRESIDENT :—"Will the hon. Member repeat what he said?"

Mr. F. E. JAMES :—"I said, Sir, that occasionally he says foolish things, but in a very charming manner." (An hon. Member: The hon. Member's charm is all right.)

The hon. the PRESIDENT :—"He has not characterized Mr. Kaleswara Rao or his speech as foolish. He has only characterized the things of which he spoke."

Mr. SAMI VENKATACHALAM CHETTI :—"May I know to whom the 'charming manner' refers to?"

The hon. the PRESIDENT :—"It refers to Mr. Kaleswara Rao." (Laughter.)

* Mr. F. E. JAMES :—"There seems to be some competition for my description of Mr. Kaleswara Rao. His speech, however, gave me the impression that his heart is not really in this motion. Of course he is the chairman of a municipality and naturally he goes to the help of another municipality and characterizes the action of the Government as an illegal one. He knows, in spite of what all he has said, that the particular section under which this action has been taken is the section which hangs, like Damocles' sword, even over his own head. If that Damocles' sword now falls on the head of another chairman, naturally he becomes very nervous because he knows that it might one day fall on his own head as it has fallen on his neighbour's. But, apart from this, Sir, somehow or other I feel that Mr. Kaleswara Rao has not made a good case. It is really unfair to Mr. Bracken to say that he has been sending the records to the Tahsildar and that he did not make any enquiry himself. I have not the pleasure of Mr. Bracken's acquaintance; but I know, from all records, that he is an extremely efficient officer. I have also noticed that an officer who is noted for his efficiency is invariably accused of not being alive to the interests of the people. I wish to suggest that there are occasions and times when that very efficiency which seems to

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unsettle my hon. Friend's mind is and can be used to very good purpose on behalf of the people. He referred to the present chairman of the municipality, Mr. Alexander Wright and I believe he characterized him as one having considerable business experience. I am sorry to observe that this has not been to Mr. Alexander Wright's advantage or to that of the municipality over which he presides. On enquiry I find that the municipality was superseded because of faction, of extravagance and of incompetency. If there was any virtue at all in what Mr. Kaleswara Rao has said, it seems to be this: that Government might have explained in this order the reasons for the supersession of the municipality. I always feel that in these matters the Government should take the public entirely into their confidence, and I think the term 'maladministration' might have been explained in some detail. But surely, Sir, faction and extravagance are quite enough reasons for the supersession of a municipality. It is no argument to say that there are many other municipalities which are doing just the same thing. Indeed the Mover had the courage to say that, but that is no argument at all. What I suggest is that such an argument might be dangerous to the Mover. I understand that the municipality has about 18,000 inhabitants. It was considered useless to hold fresh elections, because the same people would have been elected and the same trouble would have occurred. Then take the question of extravagance. I am given to understand that this municipality of about 18,000 inhabitants is in debt to the extent of many thousands owing to very extravagant schemes which it wanted to carry out. In the matter of competency again, I understand that, apart from the question of bad sanitation, conservancy of roads and the general financial administration, a large part of the municipal staff has not received its pay since March or April of this year. Is that competency, I ask? Is that the result of the chairman's ability or his business capacity? I suggest those are reasons which are entirely adequate.

"Now, Sir, the seconder in his speech has let the cat out of the bag. He indiscreetly described the motion as a motion of no-confidence against the Minister and it is strange to me to observe that those who are anxious to supersede the present Ministry on account of its maladministration, should be anxious to revoke the supersession of the Anakapalle municipality on the same ground. (An hon. Member: 'Not once'). Government have only superseded five municipalities during the past nine years. I congratulate this country upon the excellence of its administration of local bodies, but I would suggest that in order to preserve that reputation, it must be prepared to supersede such of the administrations as are not keeping up that high level. We have also been told that the Minister has done this on his own responsibility and without making sufficient enquiry. I am quite prepared to be convinced on those points; but from the information which has been placed in my hands and from the enquiry I made when the question came up, I find that this supersession did not take place until it was carefully considered and enquired into. After all, Mr. President, no Government, particularly no transferred section of the Government is going to take action which is liable to lead to any agitation in this Council. Therefore, I say that this Government and the hon. the Minister in charge of the Local Self-Government Department have done a real service to the cause of the administration of local bodies in this Presidency, and I trust that as a result of this

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motion, the action that has been taken by this Government will not deter them in the future from taking similar action wherever such action is needed."

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Mr. G. HARISARVOTTAMA RAO :—" Mr. President, Sir, I am surprised at the adroit cleverness of the representative for the planters. He tried to characterize his colleague from Kistna in a manner that does no credit to him or to his community. Failing that, he has thrown a red-herring in front of this House in the shape of a cry of this, 'no-confidence' motion. I expect that this House will not be misled by any such ideas as have been thrown before it by this adroit performer on the floor of this House. The municipality of Anakapalle has a population of 20,360 souls and its income and expenditure according to the 1927-28 report, do not show very much of an amount. The opening balance was Rs. 222 and the receipts Rs. 11,292, and the expenditure was Rs. 10,966, the closing balance being Rs. 548. This was in reference to its general account. With regard to the other things, take capital account, for example, it is a very small figure, namely, Rs. 513 of opening balance that it has ; it has no other account except the account in the form of deposits and advances. Its closing balance is Rs. 17,857 under that head. I see no other account in its favour. It is a very tiny municipality and the hon. the Minister for Self-Government is using the thunder-bolt of a power that he possesses under the Act to crush this tiny place. It is open to question whether the hon. Minister has carefully examined the situation before ordering supersession of this municipality for two years. There are two provisions in the Act. Even granting that there was something very materially wrong either with the chairman or with the municipality, the hon. Minister has two courses open to him. He has the right and power to dissolve the municipal council and he has the right to supersede the council. Has he for one moment considered why these two powers are vested in him and when these two powers have to be used ? With regard to supersession it is clear that those who are punished are the voters and the electorate. With regard to dissolution, it would be the administrators for the time being, that is, those who hold power for the time being in the municipality and run its administration. Now, Sir, how does the hon. Minister for Self-Government feel confident in this case that he has to punish the rate-payers and the electorate. He has taken the extreme expedient of superseding the municipality. That means that the voter is deprived of his right to vote at an election and return his men to administer his local affairs. If the municipality has gone wrong, if the chairman has gone wrong, the appeal that should have been made by a responsible Minister who is responsible to an elected house like this, must have been to the electorate. It should not have been to himself. He has avoided that altogether in this case. I do not know what justification he has to avoid that particular course. It is quite possible that I shall be told that the municipality would return the same people again. Well, Sir, has he given an opportunity to the municipality to try that method and has the municipality proved its inability to change its men or to send its men properly chastened ? He has not tried that expedient at all in this case. He has, on the other hand, chosen to rely upon the reports of the district collector. I do not for one moment want to suggest that the district collector has not made his report in a *bona fide* manner. It is quite possible

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that he has believed what he has stated and has stated it in the manner in which he has stated it. But, does not the hon. Minister know that there will be occasions on which men are prejudiced or pre-possessed? There may be occasions when even Collectors may be misled in their estimate of men and matters, and there may be occasions in which a man in the position of Collector, looking on the municipality from a distance, may look at it in a wrong manner. For instance take this particular municipality. Cannot the hon. Minister for Self-Government realize that with its small resources, it is possible that a tiny municipality like that might have had its roads not in very good order; and one big jerk for this great potestate of a collector received on the roads and probably a little pain in his loins—sometimes that also happens on the roads of certain municipalities, I admit—if a thing like that had happened and if the man was a man of temper—it is quite possible that he could have had a prejudice against that particular municipality. How is it that the hon. Minister for Self-Government declines to look into anything except the report of the collector in this matter? He was asked twice over yesterday during question-time whether he would reconsider the question, and whether he would employ any other agency to consider the matter once more before he finally decides. But, he declined and said that sufficient opportunity had been given for the consideration of this question. How does he hold that sufficient opportunity had been given? He has not given anything to convince us that sufficient opportunity has been given for the consideration of the matter at all. Even supposing that there were mistakes, he being a representative of a democratic institution has he not got the right to come before us and tell us that he would exercise those democratic powers placed in his hands by giving the democracy an opportunity to rectify its faults at least once in its life? The hon. Minister has not tried the expedient of giving such an opportunity to the municipality concerned. And therefore it comes with ill-grace from a person placed in the position of a Minister to say that he would supersede municipalities like this and appoint his own men. It is by this means that he is attempting to hold on to the power that he now has by manipulating situations like this and creating creatures of his own. I do not for one moment lay a specific charge in this case against him. I have not heard him yet and so I shall not make charges against him specifically, but he must consider this situation that, if he declines to give opportunities which must be given technically—I shall not call it legally—for every action taken by Government is said to be now legal—he is making certain defaults on his behalf. If he gives a proper opportunity there is sufficient time for him to judge of the performance of the electorate and he can give that municipality one more chance and ask the people to elect proper representatives and work at it. Sir, if he has misgivings as to the nature of the composition of the municipality if it is dissolved and re-elections are held, there is even power in him to appoint a chairman of his own choice, if it comes to that. He has still reserve powers and he can allow the municipality to elect its own members and yet he can give a paid chairman or a chairman of his own choice, so that the administration cannot go wrong. Has he tried any of these expedients in the case of this municipality? If he has not tried these things, how do you believe that democratic institutions will progress in this country? Granting that there is something wrong with the municipality, granting

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that there is something wrong with the chairman of the municipality and granting that the municipality requires some form of punishment, is this the way in which the Minister should have gone on with his business? Has he considered at all the alternative weapons that he has in his hands and has he used the mildest of them in the first instance? No. On the other hand, he has chosen to use the harshest of them. He has most injudiciously attempted to use the worst power that he has in his hands. This is a comment upon the administration of a local self-government institution under this Government. My Friend the hon. Minister for Local Self-Government must have regard for the democracy that he is called upon to work. He should not lose opportunities of giving latitude to democratic institutions even of making mistakes. Democratic institutions cannot develop without mistakes. Even for making mistakes there must be room and it should not be said that he put his foot upon every small mistake that a local body committed. It is impossible for local administrations to become an accomplished fact if he went on in that fashion. He ought to have tried every expedient possible and even now it is not too late for him to do it. I expect that he would rise in his place and tell us that he has tried every expedient before he superseded this municipal council. It may be difficult for him to make up his mind in this direction having once made up his mind in another direction. Democracy requires it and in the name of democracy and in the name of responsible government which he considers he has got to-day by being the Chief Minister, I would call upon him to make a statement on the floor of this House that he would try that expedient, that he will once more go into the matter through another agency than the Collector, that he would issue the less officious instructions in his power and that he would give all opportunities for democratic institutions like the tiny municipality of Anakapalle to correct itself and to make its own being."

Dr. B. S. MALLAYYA:—"Sir, I have been listening to the speech made by Mr. James, who claims to be a type of British sportsman. Sir, the British sportsman will not shoot his own dog even without giving it a second chance. The hon. Minister has levelled charges against a tiny municipality managed by rather under-educated people. Now, has that same test been applied to the premier municipality of Madras by the hon. Minister for Local Self-Government? Sir, I am afraid that there is very little to choose between a councillor who will barter his vote for a pot of toddy and the Minister who will make nominations in the interests of his own party. Sir, there were defalcations and embezzlements in the Corporation of Madras to the tune of lakhs. I brought forward that question several times before this House and nothing was done and they would not do anything. In fact the Revenue Officer and the Commissioner who were then in charge and who were found fault with by the enquiry committee, were taken away and given higher appointments by Government. What is their fate to-day? Sir, the Minister for Public Health told us yesterday that the tours undertaken by the Inspector-General of Registration who was Commissioner at the time timber defalcations were detected in the Corporation were not in the best interests of the services, that they were not economical, and that Government were making enquiries into those irregularities. I put some questions this morning about transfers and other things and no proper answer was

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given. When there is a charge of embezzlement (during the regime of a particular person, why don't you hold a public enquiry and either exonerate him or book him? Why do you allow that? Now, in this case, why do you take such drastic steps against this poor municipality? Did you apply the proper tests? In regard to sanitation for the city of Madras, you told us last year and the year before last that you would not allow us to have the health officer even when there was cholera in the city. As a matter of fact, smallpox is still continuing"

* The hon. the PRESIDENT:—"I request the hon. Member to leave alone the Corporation of Madras."

Dr. B. S. MALLAYYA:—"It is only a parallel case. I want to know whether the same tests have been applied in the case of the Anakapalle municipality"

* The hon. the PRESIDENT:—"I am sorry that the remarks of the hon. Member are not relevant to the matter under discussion."

Dr. B. S. MALLAYYA:—"Thank you, Mr. President, I will go to Anakapalle again. If Anakapalle is to be tested by the same standard as other cities, the same rules must be applied to it also and the same rule must be applied to all irrespective of extraneous considerations. If taxes are not collected in Anakapalle, the same was the case in Madras. If the health of the people is not properly looked after in Anakapalle, the same was true of Madras. The Government said that they would not allow the Revenue Officer and the Health Officer of the Corporation to continue. But what did they do later? They have accepted the Health Officer whom they condemned. They have accepted the Revenue Officer whom they equally condemned. Nay, the Revenue Officer who was supposed to be responsible for the embezzlements of the funds of the Corporation was promoted to a higher post."

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* The hon. the PRESIDENT:—"Order, order. The hon. Member has chosen a very wrong occasion to ventilate his grievances regarding the Corporation of Madras."

Dr. B. S. MALLAYYA:—"I am sorry, Mr. President, but my only object is to impress upon my friend Mr. James and others who think with him that all local bodies must be judged by the same standards. The Chief Minister is supposed to be the father of Local Self-Government in the whole of the Presidency. He is supposed to encourage every self-governing institution, but only he has got into the undesirable habit of trampling over the weaklings. He buried Cochin last year and this year he has buried Anakapalle. Two others, I understand, are gasping and I fear graves are being dug for them. Is it not the duty of the hon. the Minister to see that these erring children are rectified and made to do their work properly and not to throttle them and bury them? That is hardly the policy to be followed. Even in the interests of justice, British justice as we call it, pray judge all municipalities by the same standard and not each by different standards out of party views. Sir, if it is even justice, let it be even to big municipalities as to small ones. It is now not too late for the hon. Minister to revoke this order. In the case of the Madras Corporation, the Government said that they would not take back the Revenue Officer, that they would not take back the Health Officer, but they have gone back on those orders and have taken them back.

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Why not, similarly, revoke this order, give Anakapalle another trial to form a new council? Why penalize the rate-payers as well as the Council for the sins of one man? I appeal to the hon. the Chief Minister—he is himself a sportsman—to give them a second chance and a fair trial.”

* Mr. C. RAMASOMAYAJULU :—“ Mr. President, Sir, while we are on this question, I think, Sir, it is proper and necessary that we should bear in mind that there are certain provisions in the Madras District Municipalities Act which have a particular bearing upon the question of the extent of control which the Government has got to exercise by way of supervision, by way of preventive action and of remedial action as well in the case of irregularities. These provisions are covered by sections 34 to 42 of the Act. My object in pointing this out to the House is this, that the Government is not expected to take the extremest of measures before steps are taken, before resort is had to the other remedial measures with a view to bettering the condition of the municipality that are provided in the Act. There is provision, Sir, for the Collector or the Government entering upon and inspecting any municipality or calling for information with reference to any estimate or plan or calling for other information with a view to set matters right. There is also provision for the Government or the Collector to put into effect any resolution that is passed by the Council but which the Chairman for reasons of his own refuses or neglects to put into effect. Under these circumstances, Sir, Government can intervene, put into effect any resolution so passed but not given effect to and the expenses incurred by the Collector in that behalf are the first charge upon the funds of the municipality. There is also provision for suspending any resolution passed by the Council from being given effect to or withholding any licence which the municipality has sanctioned on the ground that it is detrimental to public health or safety and similar grounds. There is besides provision for what are called emergency provisions, for the Government taking any emergency action which is required in the interests of sanitation or public health of the people which the Council refuses to take. There is further provision for what are called superintending powers. There is provision for Government asking to inspect the records of municipalities, making remarks upon them, bringing them to the notice of the Municipal Council, calling them for explanation or guide them in the discharge of their duties. Section 40 provides for removal of chairman and 41, for the supersession of the municipality. Even here, there are two clauses in section 41, the first is that the municipality may be superseded and provision made for the election of a new set of members and a new council to be brought into existence to carry on the administration. The utmost penalty, the severest penalty is the one that comes last and that is the supersession of the municipality and the extremest period is two years, when a revenue officer or some other officer may be appointed to carry on the work for that period. The present one is a case in which the extremest provision is given effect to by the Government and that to the extremest period of time granted by the statute. That is to say, Anakapalle is superseded, and superseded for a period of two years. The object of the adjournment of the House to-day is to get from the Chief Minister information of what vigilance the Government exercised over the municipality prior to their taking recourse to this extreme step so far as the superintendence and the exercise of control over the municipality is concerned. What is it that the Government has done during all these years of maladministration to get into touch with the irregularities

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that have been going on in the municipality? What is the supervision that the Government have exercised, and what is the guidance that the Government has given? Is it with a view to come with the rod at the fag-end of their career upon the municipal council and say: You have no business to continue any longer. Is that the attitude of the Government? From a perusal of the sections from 34 to 42 of the Act, one would be led necessarily to the inference that the Government are bound to take all the preliminary and preventive measures before taking the extremest course of action which they have taken in this instance. During question time when the matter was raised, we were not given any explanation as regards the Government having been in touch with the maladministration of the municipality at any time prior to this, and as regards their efforts to better the condition of the municipality in spite of which the municipality continued in the same bad state. My point, Sir, is this, that unless and until the Government is able to convince the House that it came into touch with the condition of affairs, and tried its best to better it but that the municipality continued to go in the wrong way in spite of the warnings of the Government and in spite of circumstances within its control, it failed to set its house right, we should all vote for the motion. I submit in the absence of such convincing proof, this Government is not all justified in imposing this extremest penalty of supersession, without giving even the opportunity of having another elected house. And I may go the length of saying, from the way in which the sections are worded, from the way in which the provisions in the several clauses are arranged one after another, that the procedure taken by Government is most irregular, if not actually illegal. Now, Sir, the Government takes shelter under the fact that they called for an explanation and that they were not satisfied with the explanation. So far as the information disclosed in this House yesterday goes, this explanation was not called for till the last stage, till after they received the report of the Collector. My point is this. Before imposing the extreme penal provision upon individuals or institutions, it is absolutely necessary that some *locus penitentiae* should be given to set their house right, particularly as my hon. Friend observes when people are out for honorary service for which they may or may not have the technical fitness but all the same had had the confidence of the people but for which they would not have been elected. These institutions are not to be smothered in this way without even a *locus penitentiae*. The Act provides for giving them an opportunity to set their house in order. As Mr. Anjaneyulu observed, if he is correct in the information which he has given to the House, the present council seems to have come into existence only six months prior to this supersession. If that is the case, six months is a very short period within which to set things in order. May I point out in this connexion to the fact that the present hon. the Chief Minister has been promising to us for the last three years an amending measure to this Act and yet we have no measure at all up till now when we are within sight of dissolution. After all, is six months such a long period for a municipal institution to set matters right, particularly when it is observed that the previous administration had gone rotten and the present council had to set right all the irregularities during the regime of its predecessor. Six months' time, I think, is barely sufficient. Sir, this is not a party question; it is a matter affecting local self-government; it is a question purely regarding

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the attitude which the Government ought to follow in regard to local self-governing institutions. My point is that the hon. the Chief Minister will be well-advised in further considering the matter and in giving a further opportunity to the Anakapalle municipal council to set its house right."

Mr. D. THOMAS :—Mr. President, Sir, it appears to me that all the speeches which have been made by my hon. Friends from the opposite benches have been based on a rather one sided and partial aspect of the question. It appears to me that they have spoken from the view point of the municipal chairman and the municipal councillors rather than from that of the people at large. No doubt, my hon. Friend Mr. Kaleswara Rao and certain other speakers referred to the people's point of view. They referred to the right of the voters to have their own councils, their own representatives. But besides these voters I believe there are in this municipality of Anakapalle as well as in other municipalities a certain body of people who are not voters. Again even in respect of the voters, not only have they got the right to vote but also they have other fundamental, elementary rights which ought to be taken into consideration. I would ask, Mr. President, this hon. House to consider whether this body of non-voters and also the voters have not got the right to see that the municipality is run properly, that sanitary arrangements are properly made, that the municipality is run on a sound, efficient, economical and a financially stable basis. I submit that these are rights which cannot be overlooked, that these are rights of a fundamental character, that these are rights which are much more important than the right to vote for a councillor once in three years. And therefore, I submit that the Government have been right and entirely justified in looking to the more important, more fundamental rights of the people than the mere right to vote at the election.

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"One other aspect also I should like to submit for the consideration of this hon. House. Some of my hon. Friends on the opposite benches have been referring to a remedy which might have been allowed by the Government, namely, to dissolve the present council and order fresh elections. But I would submit, Sir, that from one point of view that would not be quite fair in the present circumstances. I submit it has not been controverted, it has not been seriously questioned by any of my hon. Friends on the opposite benches that the affairs of this Anakapalle municipality have reached such a rotten condition that it must have led to an absolute impasse, and that matters were in such a condition as to necessitate a radical remedy for improving the situation. It has been stated by my hon. Friends opposite that just six months back a new municipal council had been elected, and that that new municipal council had been trying all these six months to see that things are improved. Under the present circumstances, to order fresh elections and to have another municipal body with the legacy of this state of affairs which is a handicap practically incurable by means of any ordinary remedies, would have been a very bad start to give to any municipal council. I therefore think, Sir, that in the interests of the public itself, it is right and proper on the part of the Government to supersede the council so that the whole matter may be satisfactorily settled, so that after this period of two years a new municipal council may start with a blank sheet of white paper, with more worthy records to handle. In the light of these circumstances I submit that the action of the Government in superseding the municipality, giving them

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ample time to set things right, to set things in a working order and to give a chance to the new municipal council to work with better facilities and produce better results is the best. That would be a fair and more proper way of taking the affairs of this municipality into consideration.

"One of my hon. Friends, Mr. Anjaneyulu, referred to the method of enquiry that was adopted by the Collector and said that he did not enquire into the matter in person but that he asked his subordinates to make the enquiry. But it appears to me that after all it is a technical objection. (Voices 'Oh, oh'.) My hon. Friend himself did not object to the actual findings of that enquiry. Neither my hon. Friend, Mr. Anjaneyulu, nor any of my other hon. Friends on the opposite benches controverted the position that the affairs of this municipality were really in a rotten condition, and its financial condition was far from satisfactory. My hon. Friend, Mr. James, in the course of his speech remarked that according to his information a good portion of the employees of the municipal council had not been paid their salaries for months past. That is a very serious allegation to be made against any municipal council. That shows that the whole administration of the municipal council is at a standstill. The affairs of the municipal council could not be carried on by servants who have not been paid their monthly wages or salaries. I submit when that is the position and when that position is not seriously controverted by my hon. Friends on the opposite benches, it is no use raising technical objections to the method of enquiry and so on. Again, the question to be considered is whether as a matter of fact the interference of the Government was justified in the prevailing conditions of the municipality. If the prevailing conditions were unsatisfactory and unsound, then whatever the method of enquiry has been and whatever may be the manner in which those conclusions were arrived at, when the fact of the unsatisfactory nature of the affairs is not controverted, then the remedy also must be deemed to be sound, proper and satisfactory. My hon. Friend, Mr. Ramasomaya julu, in the course of his speech referred to various other things that might have been done; he said that time might have been given for the municipality and that the resolutions of the municipality could have been modified and so on. But I submit all this will be more or less a sort of tinkering with the condition of things. After all, advice or guidance can be given to people who are willing to take it, but if the conditions had reached such a pass that the people were not in a position to carry out the necessary administrative work of the municipality, then, mere counsel, mere guidance, and mere advice will not be of any use. It is not because that the municipal council was not in a position to know what is to be done that they landed themselves in this difficulty. But it is because they were not able to do it. It is want of capacity for the conduct of affairs on the part of its members that is responsible for the present position of the municipality. In these circumstances, I submit that the Government are justified in taking the action they did in regard to this Anakapalle municipality."

* Mr. K. MADHAVAN NAYAR:—"Sir, I rise simply to answer some of the points that were raised by that prince among fallacious reasoners in this Council, Mr. Daniel Thomas. His first point was that whatever may be the opinions of the voters of the Anakapalle municipality, there is a very considerable body of the inhabitants of that municipality who have not the

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right to vote and, it is not the wishes or the opinions of the voters of the municipality that have to be considered, but that it is the elementary rights of those persons that are the non-voters of the municipality that have to be valued and given greater importance. And if their opinions, and their rights, are to be taken into consideration, the Anakapalle municipality ought to be suppressed. That was the reasoning that was first advanced by my hon. Friend, Mr. Thomas. I ask him whether the rights of the non-voters, the elementary rights and privileges of the non-voters of the Anakapalle municipality are not shared by the voters of that town. Do not the voters possess at least the same rights and the same powers as the non-voters of the municipality? Why it is that he makes an invidious distinction between voters and non-voters and gives more importance to the non-voters than to the voters of the municipal council is a thing that I cannot comprehend. The voters are the persons in whom the responsibility of the municipal administration is to a great extent vested, whereas the non-voters are people who have no right to vote, who have no responsibility, who are simply a section of the beneficiaries of the municipality. If voters have no complaint, if voters who have rights and responsibilities have no complaint, what are the complaints of the non-voters which deserve greater consideration? And further, how is it that my hon. Friend, Mr. Daniel Thomas, knew that non-voters had a complaint to make when the voters had no complaint? Has he gone and made an enquiry there? Has he got materials or records to show that as against voters the non-voters have a complaint against the municipality? That was the fundamental basis of my hon. Friend's argument so far as non-voters are concerned and I fail to see any force in that; and he has only made a distinction simply to build an argument upon."

Mr. D. THOMAS:—"As a personal explanation, I want to say, Sir, that what I stated was that the body of non-voters as also the voters have the fundamental rights."

*Mr. K. MADHAVAN NAYAR:—"Whatever it may be, Sir, we do not see, when we examine the grounds that have been mentioned by the hon. the Chief Minister in this Council in answer to interpellations, that there is any body or section of the people in the Anakapalle municipality that wants the suppression of that municipality. The argument, therefore, of my hon. Friend need not be taken very seriously.

"One reason mentioned by my friend, Mr. James, is that the municipality has not been paying its employees regularly. That has been one of the reasons mentioned by the Chief Minister also in the answers he gave in this Council when he was interpellated in regard to this matter yesterday or day before yesterday. Well, Sir, if the employees are not paid properly and if the grounds that have been mentioned by the hon. the Chief Minister are true that may be some reason for the suppression of the municipality, I do not deny it. But I ask the hon. the Chief Minister as well as the Members supporting him whether it is a fact that the Anakapalle municipality having funds at its disposal failed to disburse pay to its employees, or is it the case that the Anakapalle municipality is short of funds, is an impecunious municipality, and therefore did not pay them. Were they criminally negligent in the payment of the salaries of their employees? As a matter of fact, I have been making enquiries so far as this point of

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payment of employees is concerned, and I come to understand that there are several municipalities, not Anakapalle alone, in which the employees are not regularly paid at all, not because they are unwilling to pay or because they are mismanaging the affairs of the municipality, but because it is only in a certain part of the year that their income comes in and they find it difficult or impossible to pay their staff at other times regularly. In such a case, it is for the Government to come to their rescue, and help them instead of suppressing them. If as a matter of fact the Anakapalle is so placed that it cannot get funds at all at any time, I do not say that it should always be supplied with funds. That is not what I mean. But a poor municipality ought not to be so severely penalized for some irregularity in paying the employees. That is all. I say, Sir, that the various reasons mentioned by the hon. the Chief Minister for the suppression of this municipality apply equally well to various other municipalities and local boards and district boards in this Presidency. It is not peculiar to the Anakapalle municipality alone. I can understand if the hon. the Chief Minister has been impartial in his treatment of the various municipalities and local boards. We know as a matter of fact there are several taluk boards and municipalities which are very much worse than this Anakapalle municipality. Why then is it that the hand of the hon. the Chief Minister does not fall as heavily upon those municipalities, local boards and district boards as upon this? We know as a matter of fact that many such bodies are manned and are presided over by people who belong to his party and who are his friends and allies. We know as a matter of fact some cases where, he himself knows of such mismanagement and yet he does not move his little finger to control such bodies or check such mismanagement. He allows them to go on and he even re-nominates people who have been mismanaging like this. We know this as a matter of fact, and that is our grievance in this matter. If a municipality has to be suppressed for the reasons stated in the case of the Anakapalle municipality, if inefficiency and mismanagement are grounds of such suppression, I am sure it is not this municipality alone that has to be suppressed, but several other local bodies and the local Self-Government Department itself with the Chief Minister at its head may have to be suppressed. I therefore say that there is no justice in the suppression of this municipality alone.

"With regard to my hon. Friend Mr. James, I have only to say one thing. Whether Mr. Kaleswara Rao says foolish things in a charming way or not, Mr. James is slowly gaining the reputation in this House of saying dangerous things in a charming way. He is approximating himself to his Friend Mr. Arpudaswami Udayar who sits behind him and he is gradually becoming the supporter of the Government in season and out of season. In the earlier days of his councillorship we were looking to him for impartial expression of opinion, but as days go on his outlook is becoming one-sided and we are gradually losing that confidence in him which we once possessed."

MR. F. E. JAMES:—"May I say, Sir, that this is not a question of a vote of no-confidence in me but on the hon. the Chief Minister?"

*MR. K. MADHAVAN NAYAR:—"If my hon. Friend might refer to Mr. Kaleswara Rao in the way he did, I think I am entitled to express my views of Mr. James also, and I hope he will take my words in the spirit in which I offer them. I have nothing more to say, Sir, except this: if, as a matter of fact, the Chief Minister is going to exercise his authority equally,

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equitably, impartially with regard to all municipalities and local boards in the Presidency, we have not the slightest objection for the suppression of any municipality so long as it does not discharge its duty properly. It is because we think that considerations other than the defects of these municipalities intervene and invidious distinctions are shown that we question the propriety of such suppression in individual cases."

4 p m. * The hon. Dr. P. SUBBARAYAN :—" Mr. President, I am rather surprised to hear the speech of the hon. Gentleman from Malabar, who has just sat down. If what he has said is the case, he seems to be in favour of supersession of almost all other municipalities and every taluk board in this Presidency. (A Voice : 'Including the Local Self-Government Department'.) As Mr. James said, we have been using this power very sparingly. Since 1920, there have been only five municipalities including Anakapalle which have been superseded. (Mr. G. Harisarvottama Rao : How many during your term?) There have been four. During the period 1916 to 1928, there have been four supersessions. Why? For the simple reason of mismanagement. The fact that the hon. Members opposite did not raise a word of protest against the three which have been already superseded in spite of the information about them only shows that at least with regard to those three they did not feel they had a grievance. But with regard to Anakapalle, they seem to have a grievance, and in the view of some hon. Members opposite the grievance is that it has been superseded for a longer term than the other municipalities. If the supersession had been only for a year, some hon. Members said to me there would not have been such outcry."

Mr. G. HARISARVOTTAMA RAO :—" On a point of order. May I know if the hon. Minister is within his rights in introducing a conversation that took place between him and some other member?"

* The hon. the PRESIDENT :—" If other Members spoke to him and expressed their thoughts, he is right in criticising. They must have been careful not to express their thoughts and feelings in that way." (Laughter.)

* The hon. Dr. P. SUBBARAYAN :—" This question of supersession of the Anakapalle municipality was taken into consideration as far back as the beginning of the year 1928. I have said 'from the beginning,' as we thought we ought to give these people a chance and we ought to try other methods that were at our disposal. Only as far back as the beginning of this year, I even suggested that if we could possibly dissolve the council and reconstitute it and be sure of getting a council which would get rid of the bad elements I would be inclined to take the step of dissolution and reconstitution rather than that of supersession. But, after a great deal of correspondence and after my visit to Waltair, I could come only to one definite conclusion. Then, I had the opportunity of conversing not only with the chairman of that municipality, Mr. Alexandar Wright, but also other members of the municipal council, including his henchman and friend, Mr. Brahmananda Nayaka Patrudu, and also other people who were against the chairman. Among those who met me, apart from members of the municipal council, were rate-payers, as my Friend Mr. Thomas put it, and not non-rate-payers as Mr. Madhavan Nayar took it. The rate-payers complained that the municipality was getting from bad to worse, and the municipal high school was getting from bad to worse as the chairman has refused to pay even the schoolmasters, and they said they would be put to

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much suffering unless some steps were taken. I put to them whether they would be in favour of supersession and steps being taken to run the school as well as the administration of the municipality. Mr. Bracken actually paid a visit to the spot to examine the condition of the school, drainage, sanitation and other state of affairs, and he said—in spite of my hon. Friend Mr. Anjaneyulu who waxed eloquent on Deputy Tahsildar's and Divisional Officer's report—that the only way to reform the municipality would be to get rid of the present municipal council. I put to him also whether dissolution and reconstitution would bring about results which he and I had at heart. He said the result would be very likely that Mr. Brahmananda Patrudu or some one of that ilk would become chairman in the place of Mr. Alexander Wright, and that would be worse. That is what Mr. Bracken said. So, the Government had no other alternative but to supersede the municipality.

“Again the question as to whether the extreme step of superseding it for the whole term allowed by section 41 (1) of the Act should be taken was also gone into very carefully by us, and we considered whether conditions could be improved in less time. But it was thought that if the improvement of schools, sanitation, repair of roads, were to be properly undertaken, the least time that would be required for the special officer to put things right would be two years. So, after a great deal of consideration and hesitation, I accepted that it would be best to supersede the municipality for two years.

“Of course, it has been said that the Registrar-General of Panchayats had sent in a report about the merits of this gentleman, Mr. Alexander Wright. That was in the year 1925, when Mr. Gopalaswami Ayyangar, after a visit to the municipality, said that everything was running in a smooth way. But, after 1925, somehow, things began to taken a different turn altogether. Because, from the administration report of 1926, which was submitted by Mr. Souter, it looked as if all was not well.

“Of course some people suggested that Mr. Bracken was not a sympathetic officer and did not care for the liberty of this country but only intended to put in prison gentlemen like my hon. Friend, Mr. Kaleswara Rao, and other national workers, and that he had no heart to look after the interests of local self-governing institutions. I can tell the House that Mr. Bracken had as much hesitation as I had with regard to the supersession of this municipality. He went into the matter carefully, and he did consider for a long time whether it would be possible to reconstitute a municipality after dissolution of the present council. But after going into the case very carefully, he felt there was no other alternative to remedy the evils that were present. Mr. Bracken, in spite of what has been said by Mr. Kaleswara Rao and Mr. Anjaneyulu and others—I can say, has handled this question very carefully, and I can only say from my knowledge of Mr. Bracken that he is as sympathetic an officer as any other officer, who is interested in the advancement of this country towards self-government. It was said that he insisted on efficiency. As Mr. James put it, efficiency is a good test of an officer. Of course, efficiency might be embarrassing to some of my hon. Friends like Mr. Kaleswara Rao, who do not like being pitched upon when they go wrong. Mr. Kaleswara Rao gave me the information that his roads were bad in Bezwada. I am very glad for this information. If the state of

[Dr. P. Subbarayan]

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things in Bezwada is as bad as those in Anakapalle, as Mr. Kaleswara Rao attempted to draw an analogy, perhaps the next municipality to be superseded will be Bezwada (Laughter) (Mr. Ramanath Goenka : Madras also). As for the question of Madras, I am residing here. . . ."

* The hon. the PRESIDENT :—" I rule that Madras and Bezwada are not at all relevant to the discussion."

* The hon. Dr. P. SUBBARAYAN :—" I am sorry, Sir. As I was mentioning, Mr. President, I can honestly tell Members of this House that we did consider all other methods before this extreme step was taken. It is because we were really convinced that it was impossible to get rid of Mr. Alexander Wright and his henchmen and friends, who were really managing the municipality to their benefit, that we had to take that extreme step, in order that the Augean stables may be cleaned. But I can tell hon. Members that, if after a year we find things are getting to such a state that we may be certain that the same methods will not be repeated, we might think of shortening the period of supersession of two years."

4-15
p.m.

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR : " Mr. President, I did not intend to take part in this debate; but, after hearing the speech of the hon. Minister, I feel that I am not at all convinced with the reasons for the supersession. Nor do I hope it is going to result in any improvement. We have heard a great deal about efficiency. I am myself a believer in efficiency within certain limits. There is no use driving a coach and four through local self-governing bodies on the score of efficiency regardless of other considerations. Let us assume for a moment that a municipality is inefficient. We should consider in what particular way it is inefficient and whether the thing will be improved by the step taken. We have heard from previous speakers that there were factions in the Anakapalle municipality, that sanitation was bad, that the roads were bad. Now as for factions, I do not know if the step taken now is going to stop factions. After all, I suppose there are very few places in the world, where there are no factions at all. Concerning the other two grounds, the state of sanitation and the state of roads, I would like to know why sanitation is bad and the roads are bad. Is that condition directly due to the neglect of the municipality? That is a point on which we have very little information. Of course, in judging the matter, we should see how far it was due to want of finance. As to the neglect on the part of the municipality in this case, I am not at all convinced on the point. I believe there are very few municipalities in this Presidency where sanitation is at all satisfactory. The reason is this; where this is the state of sanitation generally, improvement is beyond the resources of a municipality. It is no use finding fault with municipalities; or for the matter of that, with the local boards, for the condition of their roads. Unless Government carefully examines all the reasons why the present condition of the roads of a municipality or of a local board is bad, it is no use getting rid of the municipality or the local board, and say that they should place the roads in order. Municipalities and local boards are not able to maintain roads, etc., in better condition because they have not got the money. That is the reason why we have seen, for instance, from the proceedings of the Council, motions made by Government for grants to take over certain roads from district boards, such as the Pollachi-Vannanthorai road, and so on. Well, the reason, Sir, in my opinion, why sanitation is so bad in most

10th August 1929] [Mr. R. N. Arogyaswami Mudaliyar]

municipalities and why the condition of roads also is very bad, is because with the present taxable capacity of municipalities and local boards they are not able to rectify and keep things in proper order. Government is, I think, well aware of this fact. Government themselves, as more funds are becoming available, are placing funds at their disposal. As for the Anakapalle municipality, we have received no assurance from the Government that the state of things can be remedied from the existing municipal resources. The Government might of course turn round and say, why can you not increase the taxation? It is very easily said, but, increased taxation will tell very hard on the bulk of the people. That is why municipal councils are ordinarily unwilling to increase the taxation. Now, in the case of Anakapalle, what guarantee is there that things will improve by this action of Government? It may be, as I said, that any improvement is dependent on money being available to a larger extent than can be met from the sources of the municipality. For this reason I feel that possibly the better course is for Government to suspend the order of supersession, examine the state of things and then come to a decision as to why sanitation and roads of the municipality were not in a satisfactory condition. If it is then found that the existing state of things could not be remedied with the existing resources of the municipality, Government should give them financial assistance. Not having done these things, I feel there is no justification for the action Government have taken to supersede this municipality.

"As I said it is very easy to talk of efficiency, but it is not useful to talk of efficiency unless you feel that such efficiency must be subject to reasonable considerations. For instance, the question of resources has to be considered. If Government is not going to assist them with money where necessary, then their condition will not be improved.

"There is a third thing which I wish to place before the House. Local self-government is yet in its infancy. We are making a great experiment in local self-government. We expect honorary workers to come forward in large numbers to take up this work. So Government should be extremely wary in taking such drastic steps. They must be thoroughly convinced that the action they propose to take is justified. The resources of the Anakapalle municipality might be inadequate and the unsatisfactory state of things might be due to want of adequate finance. I do not think, no hon. Member of this Council would think, that the action of the Government could at all be justified, for the reason that in the matter of local self-government we expect public workers to come forward without expecting any return to place their services at the disposal of the local bodies, and it is necessary that Government should exercise the greatest caution before they decide on drastic action as in this case. It is for these reasons that I feel unconvinced that the action taken by Government is justified."

Mr. W. P. A. SOUNDARAPANDIAN:—"I move that the question be now put."

The motion was put and declared carried.

A poll was demanded and the House divided thus:

While poll was going on, Mr. Harisarvottama Rao raised a point of order and said: "The hon. representative for Anantapur was not in his seat when voting, and I want to know whether his vote is valid?"

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The hon. the PRESIDENT :—" If the Secretary is able to mark his name, it is valid."

Ayes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 32. Mr. K. Krishnan. |
| 2. " Sir Thomas Moir. | 33. " N. Siva Raj. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 34. " M. V. Gangadhar Siva. |
| 4. " Mr. A. Y. G. Campbell. | 35. " V. I. Munuswami Pillai. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 36. " W. P. A. Soundarapandian. |
| 6. " Mr. S. Muthiah Mudaliyar. | 37. " S. Subrahmanya Moopanar. |
| 7. " Dr. P. Subbarayan. | 38. " D. Thomas. |
| 8. Diwan Bahadur P. Kesava Pillai. | 39. " S. V. Vanavudaiya Goundar. |
| 9. Mr. Alladi Krishnaswami Ayyar. | 40. " S. Venkiah. |
| 10. " Hilton Brown. | 41. Rao Sahib R. Srinivasan. |
| 11. " H. A. Watson. | 42. Mr. C. E. Wood. |
| 12. " A. G. Leach. | 43. " A. G. Leech. |
| 13. " J. Gray. | 44. " E. E. James. |
| 14. " S. V. Ramamurti. | 45. " R. J. C. Robertson. |
| 15. " C. B. Cotterell. | 46. " S. N. Dorai Raja. |
| 16. " V. Ch. John. | 47. " S. Arpudaswami Udayar. |
| 17. " M. A. Manikkavelu Nayakar. | 48. The Raja of Kallikota. |
| 18. T. judin Sahib Bahadur, Syed. | 49. Mr. K. Abdul Hye Sahib. |
| 19. Munshi Abdul Wahab Sahib Bahadur. | 50. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 20. Mr. C. D. Appavu Chettiyar. | 51. Mr. G. R. Premayya. |
| 21. " H. B. Ari Gowder. | 52. Rao Bahadur Sir A. P. Patro. |
| 22. " A. B. Shetty. | 53. Mr. P. T. Rajan. |
| 23. " J. Bheemayya. | 54. " C. K. Chidambaranatha Mudaliyar. |
| 24. " R. Foulkes. | 55. Rao Bahadur S. Ellappa Chettiyar. |
| 25. " Gnanavaram Pillai. | 56. Khan Bahadur S. K. Abdul Razack Sahib Bahadur. |
| 26. Mahmud Schammad Sahib Bahadur. | 57. Mohammad Kadir Mohideen Sahib Bahadur. |
| 27. Mr. Muppl Nayar of Kavalappara. | 58. Khan Sahib G. M. Moidoo Sahib Bahadur. |
| 28. The Zamindar of Singampatti. | 59. Diwan Bahadur A. M. M. Mr. Murugappa Chettiyar. |
| 29. Mr. J. Kuppuswami. | 60. The Zamindar of Mirzapuram. |
| 30. Subadar-Major S. A. Nanjappa Bahadur. | 61. Mr. A. V. Bhanaji Rao. |
| 31. Mr. T. M. Narayanaswami Pillai. | |

Noes.

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| 1. Mr. P. C. Venkataspathi Raja. | 19. Mr. T. Adinarayana Chettiyar. |
| 2. " K. Koti Reddi. | 20. Ahmed Miran Sahib Bahadur. |
| 3. " S. Satyamurti. | 21. Sriman Biswanath Das Mahasayo. |
| 4. " C. V. Venkataramana Ayyangar. | 22. Mr. A. Kaleswara Rao. |
| 5. " J. A. Saldanha. | 23. K. Uppi Sahib Bahadur. |
| 6. " G. Harisaravottama Rao. | 24. Mr. Mothay Narayana Rao. |
| 7. Basheer Ahmed Sayeed Sahib Bahadur. | 25. " C. N. Muthuranga Mudaliyar. |
| 8. Mr. C. S. Govindaraja Mudaliyar. | 26. " K. Krishnaswami Nayakar. |
| 9. " Abdul Hameed Khan. | 27. " C. Venkatarangam Nayudu. |
| 10. " K. V. R. Swami. | 28. " K. S. Sivasubrahmanya Ayyar. |
| 11. " D. Narayana Raju. | 29. " A. Ranganatha Mudaliyar. |
| 12. Dr. B. S. Mallayya. | 30. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 13. Mr. K. R. Karant. | 31. Mr. C. R. Parthasarathi Ayyangar. |
| 14. " K. Madhavan Nayar. | 32. " R. Nagan Gowda. |
| 15. " P. Anjaneyulu. | 33. " Ramanath Goenka. |
| 16. " C. Obi Reddi. | 34. Rao Bahadur C. S. Ratnasabapathi Mudaliyar. |
| 17. " A. Parasprama Rao. | 35. Rao Bahadur B. Muniswami Nayudu. |
| 18. " C. Ramasomayajulu. | |

Ayes 61.

Noes 35.

The motion was carried.

The adjournment motion was then put to the House and declared lost.

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Mr. G. Harisarvottama Rao demanded a poll and the House divided thus :—

Ayes.

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| 1. Mr. P. C. Venkatapathi Raju. | 17. Mr. A. Parasurama Rao. |
| 2. " K. Koti Reddi. | 18. " C. Ramasomayajulu. |
| 3. " S. Satyamurti. | 19. " T. Adinarayana Chettiyar. |
| 4. " C. V. Venkataramana Ayyangar. | 20. Ahmed Miran Sahib Bahadur. |
| 5. " J. A. Saldanha. | 21. Sriman Biswanath Das Mahasayo. |
| 6. " G. Harisarvottama Rao. | 22. Mr. A. Kaleswara Rao. |
| 7. Basheer Ahmed Sayeed Sahib Bahadur. | 23. K. Uppi Sahib Bahadur. |
| 8. Mr. C. S. Govindaraja Mudaliyar. | 24. Mr. Mothay Narayana Rao. |
| 9. Abdul Hameed Khan Sahib Bahadur. | 25. " C. N. Muthuranga Mudaliyar. |
| 10. Mr. K. V. R. Swami. | 26. " K. Krishnaswami Nayakar. |
| 11. " D. Narayana Raju. | 27. " C. Venkataraman Nayudu. |
| 12. Dr. B. S. Mallayya. | 28. " K. S. Sivasubrahmanya Ayyar. |
| 13. Mr. K. R. Karant. | 29. " A. Rangauatha Mudaliyar. |
| 14. " K. Madhavan Nayar. | 30. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 15. " P. Anjaneyulu. | 31. Mr. C. R. Parthasarathi Ayyangar. |
| 16. " C. Obi Reddi. | 32. " R. Nagan Gowda. |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 33. Mr. N. Siva Raj. |
| 2. " Sir Thomas Moir. | 34. " M. V. Gangadhara Siva. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 35. " V. I. Muniswami Pillai. |
| 4. " Mr. A. Y. G. Campbell. | 36. " W. P. A. Soundarapandian. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 37. " S. Subrahmanya Moopanar. |
| 6. " Mr. S. Muthiah Mudaliyar. | 38. " D. Thomas. |
| 7. " Dr. P. Subbarayan. | 39. " S. V. Vanavudaiya Gounder. |
| 8. Diwan Bahadur P. Kesava Pillai. | 40. " S. Venkiah. |
| 9. Mr. Alladi Krishnaswami Ayyar. | 41. Rao Sahib R. Srinivasan. |
| 10. " Hilton Brown. | 42. Mr. C. E. Wood. |
| 11. " H. A. Watson. | 43. " A. J. Leech. |
| 12. " A. G. Leach. | 44. " F. E. James. |
| 13. " J. Gray. | 45. " R. J. C. Robertson. |
| 14. " S. V. Ramamurti. | 46. " S. N. Dorai Raja. |
| 15. " C. B. Cotterell. | 47. " S. Arpudaswami Udayar. |
| 16. " V. Ch. John. | 48. The Raja of Kallikota. |
| 17. " M. A. Manikkavelu Nayakar. | 49. Mr. K. Abdul Hye Sahib |
| 18. Syed Tajudin Sahib Bahadur. | 50. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 19. Munshi Abdul Wahab Sahib Bahadur. | 51. Mr. G. R. Premayya. |
| 20. Mr. C. D. Appavu Chettiyar. | 52. " V. Ramjee Rao. |
| 21. " H. B. Ari Gowder. | 53. " P. T. Rajan. |
| 22. " A. B. Shetty. | 54. " T. K. Chidambaranatha Mudaliyar. |
| 23. " J. Bheemayya. | 55. Rao Bahadur S. Elappa Chettiyar. |
| 24. " R. Foulkes. | 56. Khan Bahadur S. K. Abdul Razack Sahib Bahadur. |
| 25. " P. J. Gnanavaram Pillai. | 57. Muhammad Kadir Mohideen Sahib Bahadur. |
| 26. Mahmud Mohammad Sahib Bahadur. | 58. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 27. Mr. Mungil Nayar of Kavalappara. | 59. Rao Bahadur B. Muniswami Nayudu. |
| 28. The Zamindar of Singampatti. | 60. Diwan Bahadur A. M. M. Murugappa Chettiyar. |
| 29. Mr. J. Kuppuswami. | 61. The Zamindar of Mirzapuram. |
| 30. Subadar-Major S. A. Nanjappa Bahadur. | 62. Mr. A. V. Bhaouji Rao. |
| 31. Mr. T. M. Narayanaswami Pillai. | |
| 32. " K. Krishnan. | |

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Neutral.

1. Mr. C. Gopala Menon.
2. „ B. Ramachandra Reddi.

3. Rao Bahadur C. S. Ratnasabapathi
Mudaliyar.
4. Rao Bahadur Sir A. P. Patro.

Ayes 32.

Noes 62.

Neutral 4.

The motion was lost.

IV—cont.

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1929-30—cont.

Grant XXXI—Civil Works—Transferred—(cont.)

The hon. the PRESIDENT :—" The Council will now resume the debate on the supplementary grants."

* Mr. S. SATYAMURTI:—“ Mr. President, I was speaking about the first item in this demand when we adjourned for lunch. I now come to the second item which relates solely to the soling of the Pollachi-Vannanthorai road. I want to say that the explanatory note under this item is scrappy and inconclusive.

(At this stage Mr. B. Muniswami Nayudu took the Chair.)

“The explanatory note says that it was taken over from the District Board in 1924, and in March 1925 an estimate for Rs. 71,460 was sanctioned for reforming the road. I should like to know, Mr. Chairman, whether that estimate included the cost of soling the road, and, if it did, what part of it represented the soling, and why if it did not include either complete soling or partial soling, it did not so include it. Is this House going to be asked to vote for supplementary demands of this sort because the Government cannot or does not get expert engineering advice?

4-30
pm.

"Then it says: 'This estimate did not provide for the complete soling of the road.' I should like to know why it did not so provide. Then again, 'the Chief Engineer has now submitted an estimate for Rs. 77,700 for the complete soling of the road.' I take it, Sir, therefore that, besides the sum of Rs. 71,460 already spent, they now want Rs. 77,700 more. When was this estimate submitted? Was it after the time for preparing the budget estimate had elapsed and if so, why was it delayed? Could not the Chief Engineer have submitted it last year itself? Again, the note says: 'the work has to be carried out urgently during the current year and cannot bear postponement as the traffic in the road is very heavy and the road wears out quickly owing to lack of soling.' Taking these two reasons into consideration, Mr. Chairman, you will find that the traffic should have been very heavy in the road at least last year, unless the hon. Minister is able to say that after March this year the traffic has become heavier than last year, and the road wears out quickly owing to lack of soling. But that is also an engineering fact which should have been brought to the notice of the Government even last year.

" Again, Mr. Chairman, the note has it: 'The work is very urgent and the amount required for the current year will be found by reappropriation.'